

**REMARKS**

**Summary of the Final Office Action**

Claims 25-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,396,208 to Oda et al.

Claims 1 and 8-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,774,435 to Levinson in view of Applicant's allegedly Admitted Prior Art and further in view of Oda et al.

Claims 2-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Levinson and Applicant's allegedly Admitted Prior Art and Oda et al. as applied to claim 1, and further in view of U.S. Patent No. 6,215,244 to Kuribayashi et al.

**Summary of the Response to the Office Action**

Claims 14-24 have been withdrawn from consideration. Accordingly, claims 1-13, 25 and 26 are presently pending for consideration on the merits.

**Rejection of Claims 25-26 Under 35 U.S.C. § 102(e)**

Claims 25-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,396,208 to Oda et al. This rejection is traversed as being based upon a reference that does not anticipate all of the features clearly recited in claim 25. For example, claim 25 requires, amongst other features, “an insulating layer over the lower electrode layer, having an uneven surface profile substantially corresponding to the uneven surface profile of the lower electrode layer.” Further, claim 25 requires “a light-emitting layer over the insulating layer, having an uneven surface profile substantially corresponding to the uneven surface profile of the insulating layer.”

In contrast to the presently claimed invention, Oda et al. discloses an insulating layer 4 on the surface of a lower electrode 2 in which a surface profile of the insulating layer 4 does not have an uneven surface profile that substantially corresponds to an uneven surface profile of the lower electrode 2. Further in contrast to the presently claimed invention, the light-emitting layer 5 of Oda et al. does not have an uneven surface profile that substantially corresponds to an uneven surface profile of the insulating layer 4. Applicant respectfully asserts that respective uneven surface profiles of the lower electrode 2, insulating layer 4 and light-emitting layer 5 in the device of Oda et al. are completely different. Accordingly, Applicant respectfully submits that Oda et al. does not anticipate all of the features recited in claim 25. Thus, Applicant respectfully asserts that the rejection of claim 25 under 35 U.S.C. § 102(e) should be withdrawn.

Applicant believes that the 35 U.S.C. § 102(e) rejection of claim 26, which is dependent

upon claim 1, was unintentional. Applicant assumes that the Examiner's intent would have been to reject claim 26 with the 35 U.S.C. § 103(a) of claims 1 and 8-13. Applicant respectfully requests clarification if this assumption is incorrect. Applicant respectfully asserts that dependent claim 26 is allowable at least because of its dependence on independent claim 1, and for the reasons set forth in the discussion below with regard to the 35 U.S.C. § 103(a) rejection of claims 1 and 8-13.

**Rejection of Claims 1 and 8-13 Under 35 U.S.C. § 103(a)**

Claims 1 and 8-13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 4,774,435 to Levinson in view of Applicant's allegedly Admitted Prior Art and further in view of Oda et al. This rejection is traversed as being based upon a reference that neither teaches nor suggests the novel combination of features clearly recited in claim 1. For example, claim 1 requires, amongst other features, "an upper electrode layer formed directly on the light-emitting layer."

In contrast, Levinson does not have an upper electrode layer formed directly on the light-emitting layer. The upper electrode 35 of Levinson is directly on a dielectric 34, which is directly on a phosphor layer 33. Applicant respectfully submits that there is no teaching or suggestion in Applicant's Admitted Prior Art or Oda et al., whether taken alone or in combination with Levinson, to cure the above-noted deficiencies of Levinson.

Accordingly, Applicant respectfully assert that Levinson, Applicant's Admitted Prior Art

and Oda et al., either singly or in combination, do not teach or suggest the claimed combination of features recited in claim 1. Thus, Applicant respectfully asserts that the rejection of claim 1 under 35 U.S.C. § 103 should be withdrawn. Further, Applicant respectfully asserts that dependent claims 8-13 are allowable at least because of their dependence on independent claim 1 and for the reasons set forth above.

Claims 2-7 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Levinson, Applicant's allegedly Admitted Prior Art and Oda et al. as applied to claim 1, and further in view of U.S. Patent No. 6,215,244 to Kuribayashi et al. Applicant respectfully submits that Kuribayashi et al. does not cure the above-noted deficiencies of Levinson. Accordingly, Applicant respectfully asserts that the rejection of claims 2-7 under 35 U.S.C. § 103 should be withdrawn because the combination of Levinson, Applicant's Admitted Prior Art, Oda et al. and Kuribayashi et al. neither teaches nor suggests the combination of features recited in claim 1, and therefore dependent claims 2-7 and 26.

**CONCLUSION**

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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